

REMARKS

By Office Action mailed October 11, 2007, claims 1-8 stand rejected and claims 9-12 stand objected to, reconsideration of which is respectfully requested in view of the above amendments and following remarks. Claims 1-8 have been cancelled. Claim 9 has been amended. Claims 9-12 are now pending.

Allowable Subject Matter

Claims 9-12 stand objected to as being dependent upon a rejected base claim. However, as noted by the Examiner, such claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, in order to place claims 9-12 in condition for allowance, Applicants have amended claim 9 to incorporate the limitations of claim 1 and to recite as an independent claim. In addition, in order to expedite allowance of claims 9-12, Applicants have cancelled claims 1-8. Applicants note that the cancellation of claims 1-8 from the present application is not, and should not be construed as, an acquiescence to the Examiner's rejection of such claims, and Applicants reserve the right to continue prosecution of the cancelled subject matter in one or more related applications.

Information Disclosure Statement

Applicants submit herewith a Supplemental Information Disclosure Statement citing International PCT Application Publication No. WO 2005/029617 and U.S. Patent Application Publication No. 2007/248847. As noted by the Examiner, U.S. Patent Application No. 10/661,093 (which was mistakenly cited on the prior Information Disclosure Statement filed July 28, 2004 as U.S. Patent Application No. 10/661,033) was converted to U.S. Provisional Patent Application No. 60/608,934. Subsequently the above PCT and U.S. national stage applications were filed, each of which claims priority to the '934 provisional application.

Objections to the Drawings

As requested by the Examiner, Applicants have amended Figure 1 to include the legend "--Prior Art--". One replacement sheet of drawings is submitted herewith for approval. In view of the foregoing amendment, Applicants respectfully request that the objections to the drawings be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 1-3 and 6-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over JP 02-027670 in view of Hamada et al. (U.S. Publication No. 2002/0068215) and claims 4 and 5 stand rejected under 35 U.S.C. 103(a) as being unpatentable over JP 02-027670 in view of Hamada and Thompson et al. (U.S. Publication No. 2005/0058865). As noted above, by way of this Amendment, Applicants have cancelled claims 1-8. Accordingly, Applicants submit that these rejections have been obviated.

In view of the above remarks, allowance of claims 9-12 is respectfully requested. A good faith effort has been made to place this application in condition for allowance. However, should any further issue require attention prior to allowance, the Examiner is requested to contact the undersigned at (206) 622-4900 to resolve the same. Furthermore, the Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,
Emerson R. Gallagher et al.
SEED Intellectual Property Law Group PLLC



Emily W. Wagner
Registration No. 50,922

EWW:cw
Enclosures:

1 Sheet of Replacement Drawings (Figure 1)
Supplemental Information Disclosure Statement

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031

1046539_1.DOC